

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 33 and 35-41 are pending. In the present amendment, Claim 33 is currently amended and Claims 20-30 and 32 are canceled without prejudice or disclaimer. Support for the present amendment can be found in the original specification, for example, at page 8, lines 19-26 and in Figures 1 and 10. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 20-23, 25, 27, 28, 30, and 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over Scott (U.S. Patent No. 2,172,091) in view of Royce et al. (U.S. Patent No. 4,223,780, hereinafter "Royce"); and Claims 33 and 35-41 were rejected under 35 U.S.C. § 103(a) as unpatentable over Scott in view of Kennedy (U.S. Patent No. 5,584,143).

Initially, Applicants would like to thank Primary Examiner Redman for discussing the present application with Applicants' representative, Colin Harris, on July 15, 2010. Primary Examiner Redman and Applicants' representative discussed the combination of Scott in view of Kennedy. Further, the space between the spacer and the seal, as shown in Figure 10 of the present application, and that the art of record fails to show the space between the spacer and the seal was also discussed. Accordingly, the present amendment hereby amends independent Claim 33 to recite the space between the spacer and the seal, as discussed during the interview.

In response to the rejections under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

As noted above, Claims 20-30 and 32 are hereby canceled without prejudice or disclaimer. Thus, it is respectfully submitted that the rejection of these claims is moot and should be withdrawn.

Independent Claim 33 recites a glazing panel comprising a housing including at least two glass panes spaced apart by a spacer and a seal. As can be seen from Figures 3 and 10, the glass panels ***contact the side walls*** to compress the width of the housing. Based on the discussion during the interview, Claim 33 also recites that the seal is separated from the spacer by a space such that the seal does not contact the spacer.

It is respectfully submitted that the cited references do not disclose or suggest every feature recited in independent Claim 33.

The Office Action again combines the weather strip 28 described in Scott with the double glass pane assembly described in Kennedy to reject Claim 33. The Office Action takes the position that the previous arguments with regards to this combination are not persuasive because “it appears that the applicant is arguing the references individually and not the combination per se.” Applicants respectfully disagree.

Instead, the primary reference, Scott, describes a weather strip 28 secured in place with a U-shaped member 26. Thus, the sides of the weather-strip 28 ***do not contact panes of glass*** since they are held in place by the U-shaped member 26.

Further, in Kennedy, the seal 30 ***does not contact the glass panes 12, 14***. Instead, the seal 30 is attached to a connection part 70 of the spacer 40 and is also held in place with a sealant compound 22.

Therefore, as discussed during the interview, neither reference discloses or suggests a seal comprised of a single material that is compressed ***by contacting*** the glass panes which it is sealing, Applicants respectfully submit that ***a combination of these references*** does not disclose or suggest that the seal is compressed by contacting the glass panes.

Thus, based on the cited evidence, if the weather strip 28 of Scott is combined with the glass panes 12, 14 of Kennedy, then a person of ordinary skill in the art would attach the weather strip with a U-shaped member 26 (as described in Scott) or directly to the spacer 40 with the aid of a sealant 22 (as described in Kennedy). Accordingly, it is respectfully submitted that no combination of Kennedy and Scott, without the hindsight bias applied after reviewing the present application, discloses or suggests that the seal would be compressed by the glass panes.

Additionally, Kennedy describes a spacer 40 that directly contacts the seal 30 the embodiment shown in Figure 1. In the embodiment shown in Figure 2, the spacer 60 includes a separate connection part 70 that is also in contact with the seal 30.¹ Thus, even if the seal 30 of Kennedy were replaced with the seal 30 of Scott, a person of ordinary skill in the art would not find it obvious to leave a space between the seal 30 and the spacer 40, 60.

Therefore, it is respectfully submitted that the cited combination does not disclose or suggest every feature recited in independent Claim 33. Accordingly, Applicants respectfully request that the rejection of Claim 33, and all claims dependent thereon, as unpatentable over Scott in view of Kennedy be withdrawn.

¹ See Kennedy, at column 2, lines 64-67.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

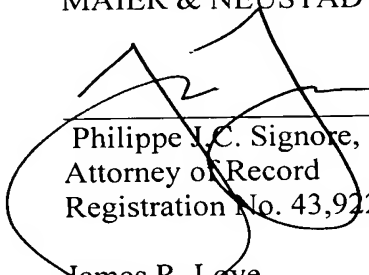
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)



Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

James R. Love
Registration No. 58,421